

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

BRAD RATKOVICH,  Plaintiff,  v.  FINANCIAL MANAGEMENT SYSTEMS,  Defendant.	NO.
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**NOTICE OF REMOVAL OF DEFENDANT, FINANCIAL MANAGEMENT SYSTEM**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, FMS Investment Corp., dba Financial Management Systems (“FMS”), hereby removes the above-captioned civil action from the Iowa District Court for Polk County, to the United States District Court for the Southern District of Iowa, Des Moines Division. The removal of this civil case is proper because:

1. FMS is the only defendant in this civil action in the Iowa District Court for Polk County, titled *Brad Ratkovich v. Financial Management Systems*, Case No. CL-12-5445 (hereinafter, the “State Court Action”).

2. FMS removes this case on the basis of the Fair Debt Collection Practices Act, Title 15 U.S.C. § 1692, *et seq.* (“FDCPA”), as the Plaintiff’s Complaint claims relief based on abusive practices in violation of federal law.

3. Attached hereto as **Exhibit A** and incorporated by reference as part of the Notice of Removal are true and correct copies of the process and pleadings in the State Court

Action. The Petition was filed on June 15, 2012; the Defendant was served with summons and the Petition on July 11, 2012 via personal service. No further proceedings have taken place in the State Court Action.

4. A copy of this Notice of Removal is being served upon Plaintiff and filed concurrently with the Clerk of the Iowa District Court for Polk County.

WHEREFORE, Defendant, Financial Management Systems, hereby removes to this Court the State Court Action.

/s/ Kristina M. Stanger  
Nyemaster Goode, P.C.  
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ATTORNEYS FOR DEFENDANT

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 27, 2012, I presented the foregoing to the Clerk of the Court for filing and uploading into the ECF system, which will send notification of such filing to the following:

Harley C. Erbe, Esq.  
Erbe Law Firm  
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/s/ Kristina M. Stanger